

# SENATE BILL NO. 668

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURLISON.

4199S.01I

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal sections 115.085 and 115.427, RSMo, and to enact in lieu thereof three new sections relating to elections.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 115.085 and 115.427, RSMo, are  
2 repealed and three new sections enacted in lieu thereof, to be  
3 known as sections 115.062, 115.085, and 115.427, to read as  
4 follows:

**115.062. No election authority shall take or accept  
2 funding, grants, or gifts of any kind from any source other  
3 than from the governing body of a political subdivision, the  
4 state of Missouri, or the federal government.**

115.085. No person shall be appointed to serve as an  
2 election judge who is not a registered voter in this state[;  
3 provided that, before any election authority may appoint  
4 judges who are registered voters of another election  
5 authority's jurisdiction, the election authority shall  
6 obtain the written consent of the election authority for the  
7 jurisdiction where the prospective judges are registered to  
8 vote]. Each election judge shall be a person of good repute  
9 and character who can speak, read, and write the English  
10 language. No person shall serve as an election judge at any  
11 polling place in which his or her name or the name of a  
12 relative within the second degree, by consanguinity or  
13 affinity, appears on the ballot. However, no relative of  
14 any unopposed candidate shall be disqualified from serving  
15 as an election judge in any election jurisdiction of the

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

16 state. No election judge shall, during his or her term of  
17 office, hold any other elective public office, other than as  
18 a member of a political party committee or township office,  
19 except any person who is elected to a board or commission of  
20 a political subdivision or special district may serve as an  
21 election judge except at a polling place where such  
22 political subdivision or special district has an issue or  
23 candidate on the ballot. In any county having a population  
24 of less than two hundred fifty thousand inhabitants, any  
25 candidate for the county committee of a political party who  
26 is not a candidate for any other office and who is unopposed  
27 for election as a member of the committee shall not be  
28 disqualified from serving as an election judge.

115.427. 1. Persons seeking to vote in a public  
2 election shall establish their identity and eligibility to  
3 vote at the polling place, **or, if voting absentee in person,**  
4 **at the office of the election authority,** by presenting a  
5 form of personal identification to election officials. No  
6 form of personal identification other than the forms listed  
7 in this section shall be accepted to establish a voter's  
8 qualifications to vote. Forms of personal identification  
9 that satisfy the requirements of this section are any one of  
10 the following:

11 (1) Nonexpired Missouri driver's license;  
12 (2) Nonexpired or nonexpiring Missouri nondriver's  
13 license;

14 (3) A document that satisfies all of the following  
15 requirements:

16 (a) The document contains the name of the individual  
17 to whom the document was issued, and the name substantially  
18 conforms to the most recent signature in the individual's  
19 voter registration record;

20 (b) The document shows a photograph of the individual;

21 (c) The document includes an expiration date, and the  
22 document is not expired, or, if expired, the document  
23 expired after the date of the most recent general election;  
24 and

25 (d) The document was issued by the United States or  
26 the state of Missouri; or

27 (4) Any identification containing a photograph of the  
28 individual which is issued by the Missouri National Guard,  
29 the United States Armed Forces, or the United States  
30 Department of Veteran Affairs to a member or former member  
31 of the Missouri National Guard or the United States Armed  
32 Forces and that is not expired or does not have an  
33 expiration date.

34 2. (1) An individual who appears at a polling place  
35 without a form of personal identification described in  
36 subsection 1 of this section and who is otherwise qualified  
37 to vote at that polling place [may execute a statement,  
38 under penalty of perjury, averring that the individual is  
39 the person listed in the precinct register; averring that  
40 the individual does not possess a form of personal  
41 identification described in subsection 1 of this section;  
42 acknowledging that the individual is eligible to receive a  
43 Missouri nondriver's license free of charge if desiring it  
44 in order to vote; and acknowledging that the individual is  
45 required to present a form of personal identification, as  
46 described in subsection 1 of this section, in order to  
47 vote. Such statement shall be executed and sworn to before  
48 the election official receiving the statement. Upon  
49 executing such statement, the individual may cast a regular  
50 ballot, provided such individual presents one of the  
51 following forms of identification:

52 (a) Identification issued by the state of Missouri, an  
53 agency of the state, or a local election authority of the  
54 state;

55 (b) Identification issued by the United States  
56 government or agency thereof;

57 (c) Identification issued by an institution of higher  
58 education, including a university, college, vocational and  
59 technical school, located within the state of Missouri;

60 (d) A copy of a current utility bill, bank statement,  
61 government check, paycheck, or other government document  
62 that contains the name and address of the individual;

63 (e) Other identification approved by the secretary of  
64 state under rules promulgated pursuant to this section.

65 (2) For any individual who appears at a polling place  
66 without a form of personal identification described in  
67 subsection 1 of this section and who is otherwise qualified  
68 to vote at that polling place, the election authority may  
69 take a picture of such individual and keep it as part of  
70 that individual's voter registration file at the election  
71 authority.

72 (3) Any individual who chooses not to execute the  
73 statement described in subdivision (1) of this subsection  
74 may cast a provisional ballot. Such provisional ballot  
75 shall be counted, provided that it meets the requirements of  
76 subsection 4 of this section.

77 (4) For the purposes of this section, the term  
78 "election official" shall include any person working under  
79 the authority of the election authority.

80 3. The statement to be used for voting under  
81 subdivision (1) of subsection 2 of this section shall be  
82 substantially in the following form:

83 "State of \_\_\_\_\_  
84 County of \_\_\_\_\_  
85 I do solemnly swear (or affirm) that my name is  
86 \_\_\_\_\_; that I reside at \_\_\_\_\_; that I am the  
87 person listed in the precinct register under this  
88 name and at this address; and that, under penalty  
89 of perjury, I do not possess a form of personal  
90 identification approved for voting. As a person  
91 who does not possess a form of personal  
92 identification approved for voting, I acknowledge  
93 that I am eligible to receive free of charge a  
94 Missouri nondriver's license at any fee office if  
95 desiring it in order to vote. I furthermore  
96 acknowledge that I am required to present a form  
97 of personal identification, as prescribed by law,  
98 in order to vote.  
99 I understand that knowingly providing false  
100 information is a violation of law and subjects me  
101 to possible criminal prosecution.  
102 \_\_\_\_\_  
103 Signature of voter  
104 Subscribed and affirmed before me this \_\_\_\_\_ day  
105 of \_\_\_\_\_, 20\_\_\_\_\_  
106 \_\_\_\_\_  
107 Signature of election official"

108 4. A voter] shall be allowed to cast a provisional  
109 ballot [under section 115.430 even if the election judges  
110 cannot establish the voter's identity under this section]  
111 **pursuant to this subsection.** The election judges shall make  
112 a notation on the provisional ballot envelope to indicate  
113 that the voter's identity was not verified.  
114 **(2) No person described in subdivision (1) of this**  
115 **subsection shall be entitled to receive a provisional ballot**  
116 **until such person has completed a provisional ballot**

117 affidavit on the provisional ballot envelope described in  
118 subdivision (3) of this subsection. All provisional ballots  
119 cast pursuant to this subsection shall be marked with a  
120 conspicuous stamp or mark that makes them distinguishable  
121 from other ballots.

122 (3) (a) The provisional ballot envelope shall be  
123 completed by the voter for use in determining the voter's  
124 eligibility to cast a ballot.

125 (b) The provisional ballot envelope shall provide a  
126 place for the voter's name, address, date of birth, and last  
127 four digits of his or her Social Security number, followed  
128 by a certificate in substantially the following form:

129 "I do solemnly swear that I am the person  
130 identified above and the information provided is  
131 correct. I understand that my vote will not be  
132 counted unless:

133 (1) I return to this polling place today between  
134 6:00 a.m. and 7:00 p.m. and provide one of the  
135 following forms of identification:

136 (a) Nonexpired Missouri driver's license;

137 (b) Nonexpired or nonexpiring Missouri nondriver's  
138 license;

139 (c) A document that satisfies all of the following  
140 requirements:

141 a. The document contains my name, in substantially  
142 the same form as the most recent signature on my  
143 voter registration record;

144 b. The document contains my photograph;

145 c. The document contains an expiration date and  
146 the document is not expired, or if expired, the  
147 document expired after the date of the most recent  
148 general election; and

149 d. The document was issued by the United States or  
150 the state of Missouri; or

151 (d) Identification containing my photograph issued  
 152 to me by the Missouri National Guard, the United  
 153 States Armed Forces, or the United States  
 154 Department of Veteran Affairs as a member or former  
 155 member of the Missouri National Guard or the United  
 156 States Armed Forces and that is not expired or does  
 157 not have an expiration date; or

158 (2) The election authority verifies my identity by  
 159 comparing my signature on this envelope to the  
 160 signature on file with the election authority and  
 161 determines that I was eligible to cast a ballot at  
 162 this polling place; and

163 (3) This provisional ballot otherwise qualifies to  
 164 be counted under the laws of the state of Missouri.  
 165

166 \_\_\_\_\_  
 167 Signature of Voter Date

168 \_\_\_\_\_  
 169 Signatures of Elections Officials"

170 Once voted, the provisional ballot shall be sealed in the  
 171 provisional ballot envelope and deposited in the ballot box.

172 3. The provisional ballot cast by such voter shall not  
 173 be counted unless:

174 (1) (a) The voter returns to the polling place during  
 175 the uniform polling hours established by section 115.407 and  
 176 provides a form of personal identification that allows the  
 177 election judges to verify the voter's identity as provided  
 178 in subsection 1 of this section; or

179 (b) The election authority verifies the identity of  
 180 the individual by comparing that individual's signature to  
 181 the signature on file with the election authority and  
 182 determines that the individual was eligible to cast a ballot  
 183 at the polling place where the ballot was cast; and

184 (2) The provisional ballot otherwise qualifies to be  
185 counted under section 115.430.

186 [5. The secretary of state shall provide advance  
187 notice of the personal identification requirements of  
188 subsection 1 of this section in a manner calculated to  
189 inform the public generally of the requirement for forms of  
190 personal identification as provided in this section. Such  
191 advance notice shall include, at a minimum, the use of  
192 advertisements and public service announcements in print,  
193 broadcast television, radio, and cable television media, as  
194 well as the posting of information on the opening pages of  
195 the official state internet websites of the secretary of  
196 state and governor.

197 [6.] 4. (1) Notwithstanding the provisions of section  
198 136.055 and section 302.181 to the contrary, the state and  
199 all fee offices shall provide one nondriver's license at no  
200 cost to any otherwise qualified voter who does not already  
201 possess such identification and who desires the  
202 identification [in order to vote] **for voting**.

203 (2) This state and its agencies shall provide one copy  
204 of each of the following, free of charge, if needed by an  
205 individual seeking to obtain a form of personal  
206 identification described in subsection 1 of this section [in  
207 order to vote] **for voting**:

- 208 (a) A birth certificate;
- 209 (b) A marriage license or certificate;
- 210 (c) A divorce decree;
- 211 (d) A certificate of decree of adoption;
- 212 (e) A court order changing the person's name;
- 213 (f) A Social Security card reflecting an updated name;

214 and

215 (g) Naturalization papers or other documents from the  
216 United States Department of State proving citizenship.

217 Any individual seeking one of the above documents in order  
218 to obtain a form of personal identification described in  
219 subsection 1 of this section [in order to vote] **for voting**  
220 may request the secretary of state to facilitate the  
221 acquisition of such documents. The secretary of state shall  
222 pay any fee or fees charged by another state or its  
223 agencies, or any court of competent jurisdiction in this  
224 state or any other state, or the federal government or its  
225 agencies, in order to obtain any of the above documents from  
226 such state or the federal government.

227 (3) [All costs associated with the implementation of  
228 this section shall be reimbursed from the general revenue of  
229 this state by an appropriation for that purpose. If there  
230 is not a sufficient appropriation of state funds, then the  
231 personal identification requirements of subsection 1 of this  
232 section shall not be enforced.]

233 (4) Any applicant who requests a nondriver's license  
234 for [the purpose of] voting shall not be required to pay a  
235 fee [if the applicant executes a statement, under penalty of  
236 perjury, averring that the applicant does not have any other  
237 form of personal identification that meets the requirements  
238 of this section]. The state of Missouri shall pay the  
239 legally required fees for any such applicant. [The director  
240 of the department of revenue shall design a statement to be  
241 used for this purpose. The total cost associated with  
242 nondriver's license photo identification under this  
243 subsection shall be borne by the state of Missouri from  
244 funds appropriated to the department of revenue for that  
245 specific purpose.] The department of revenue and a local

246 election authority may enter into a contract that allows the  
 247 local election authority to assist the department in issuing  
 248 nondriver's license photo identifications.

249 [7.] 5. The director of the department of revenue  
 250 shall, by January first of each year, prepare and deliver to  
 251 each member of the general assembly a report documenting the  
 252 number of individuals who have requested and received a  
 253 nondriver's license photo identification for the purposes of  
 254 voting under this section. The report shall also include  
 255 the number of persons requesting a nondriver's license for  
 256 purposes of voting under this section, but not receiving  
 257 such license, and the reason for the denial of the  
 258 nondriver's license.

259 [8.] 6. The precinct register shall serve as the voter  
 260 identification certificate. The following form shall be  
 261 printed at the top of each page of the precinct register:

262 VOTER'S IDENTIFICATION CERTIFICATE

263 Warning: It is against the law for anyone to vote,  
 264 or attempt to vote, without having a lawful right  
 265 to vote.

266 PRECINCT

267 WARD OR TOWNSHIP \_\_\_\_\_

268 GENERAL (SPECIAL, PRIMARY) ELECTION

269 Held \_\_\_\_\_, 20\_\_\_\_\_

270 Date

271 I hereby certify that I am qualified to vote at  
 272 this election by signing my name and verifying my  
 273 address by signing my initials next to my address.

274 [9.] 7. The secretary of state shall promulgate rules  
 275 to effectuate the provisions of this section.

276 [10.] 8. Any rule or portion of a rule, as that term  
277 is defined in section 536.010, that is created under the  
278 authority delegated in this section shall become effective  
279 only if it complies with and is subject to all of the  
280 provisions of chapter 536 and, if applicable, section  
281 536.028. This section and chapter 536 are nonseverable and  
282 if any of the powers vested with the general assembly  
283 pursuant to chapter 536 to review, to delay the effective  
284 date or to disapprove and annul a rule are subsequently held  
285 unconstitutional, then the grant of rulemaking authority and  
286 any rule proposed or adopted after August 28, 2002, shall be  
287 invalid and void.

288 [11.] 9. If any voter is unable to sign his name at  
289 the appropriate place on the certificate or computer  
290 printout, an election judge shall print the name and address  
291 of the voter in the appropriate place on the precinct  
292 register, the voter shall make his mark in lieu of  
293 signature, and the voter's mark shall be witnessed by the  
294 signature of an election judge.

295 [12. This section shall become effective only upon the  
296 passage and approval by the voters of a constitutional  
297 amendment submitted to them by the general assembly  
298 regarding the authorization of photo identification  
299 requirements for elections by general law. If such  
300 constitutional amendment is approved by the voters, this  
301 section shall become effective June 1, 2017.]

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